

05-17-05



Assistant Commissioner for Patents
Washington, D.C. 20231
ATTENTION: Office of Petitions
Art Unit: DATA PROCESSING: GENERIC CONTROL SYSTEMS
OR SPECIFIC APPLICATIONS

cc: Harrity & Snyder, LLP
11240 Waples Mill Road
Suite 300
Fairfax, VA 22030

May 7, 2005

To whom it may concern:

I am writing to file a Chapter 1900 Protest under 37 CFR 1.291, in regard to United States patent application 20050060312, titled 'Systems and methods for improving the ranking of news articles', filed by Harrity & Snyder, LLP on behalf of Micheal Curtiss, Krishna Bharat, and Michael Schmitt, on September 16, 2003, with Serial Number 662931, series code 10

Identical copies of this letter and accompanying documents are being filed simultaneously with the U.S. Patent office, and also sent to Harrity & Snyder, LLP.

The patent application appears to claim invention of ranking news search results based upon qualitative factors.

My company, NewsTrove LLC, has operated a public news search engine website, NewsTrove.com, continuously since 2001, which has since its inception employed various algorithmic means to qualitatively rank and filter Internet news content.

Before a patent can be granted, its novelty and non-obviousness must first be judged against both earlier patents and other pre-existent published material. The patent application's claim appears to fail the test for two reasons:

1. Ranking Internet content based upon qualitative factors is not novel
2. It does not consider all other published material, specifically, my own electronic publication in the form of an Internet website, which pre-existed the patent application filing

1. Ranking Internet based upon quality is not novel

My news website and the engine that drives it pre-existed the patent filing, and performed ranking and filtration of search results by qualitative means.

The huge size of the task of making qualitative judgments such as distinguishing news from non-news in millions of Internet documents, and ranking and filtering search results based upon qualitative factors precluded my website from employing a human approach to ranking.

The size of the task necessitated an automated, algorithmic-driven means to:

- determine which websites contain news and which do not,
- rank news websites in order of qualitative factors,
- determine which documents found on a website contain news articles,
- evaluate the quality of individual documents,
- measure the relevance of a document or website to a topic being searched,
- use the combined previous means to filter documents in response to search results.

Although the patent application claim includes nuances that differ in some details from my approach (obviously there can be countless variations on how a news-quality ranking task might be performed), the concept of ranking news based upon quality duplicates the concept, spirit, and some of the important features of my own earlier creation.

2. The patent application has not considered all existing published material

NewsTrove.com has maintained a continual presence on the web since early 2001. During this time, NewsTrove has provided the general public with a news search service that employs qualitative ranking and filtration of news content.

A person working as an expert in the area of news search could be made aware of NewsTrove's existence by perusing several popular sources that list news search engines. For example:

- The Open Directory at www.dmoz.org classifies NewsTrove among news search engines.
- Alexa.com includes NewsTrove in its top 100,000 most popular sites, and classifies it among the category of news search engines.
- SearchEngineWatch.com has for several years included NewsTrove on its page which lists 'Major News Search Engines.'
- Using a broad Internet search engine, one can locate instances in which NewsTrove receives favorable mention as a news search service. Some documents found on the Internet have characterized NewsTrove as an alternative or even preferable to other news search engines.
- The Wayback Machine includes artifacts that show how NewsTrove looked in the past.

The 'Wayback Machine', a popular internet archive website that maintains a presence at both www.WayBackMachine.org and www.archive.org, provides clear, independent and unbiased evidence that NewsTrove featured qualitative ranking and filtering of news on its website

before the patent application was filed. In March of 2001, the WayBack Machine began visiting the NewsTrove website and making archival copies of the HTML code that appears on the NewsTrove website, as the accompanying images demonstrate.

Theories Behind the NewsTrove Quality Ranking Process

The approach employed by NewsTrove to select and rank search results takes a algorithmic approach.

The basis for these algorithms are my observations that:

high-caliber professional news organizations, given their large resources of staff and equipment, plus their established reputation, typically:

- produce documents of the highest grammatical quality,
- have a large body of existing content on their website,
- produce new content with great frequency,
- have relatively shorter domain names (i.e. CNN.com vs. GetAHomeLoanMortageAtAReallyGreatRate.com).
- have many inbound links from other websites,
- have faster response times to HTTP requests made for documents by the NewsTrove web-crawlers,

and my observation that:

- documents that have the greatest relevance to searches typically share lexical features such as vocabulary in common with other documents relevant to the topic or concept being searched.

The Net Effect

The combined factors of document quality, publication rank, and lexical features of documents and websites are measured, and used to control several functions in the NewsTrove system, on its website, and in its RSS feeds, such as:

- efficient harvesting of documents, namely, websites ranked as having a higher quality are visited more frequently,
- filtering of search results to include or exclude documents based upon document quality,
- filtering of search results to include or exclude documents based upon the rank of the website on which the document appears,
- filtering of search results to include or exclude documents based upon lexical features,
- producing a 'top publications' list for informational purposes,
- ordering of search results,
- et cetera.

In the NewsTrove system, the qualitative filtration features perform automatically to produce a minimal acceptable level of optimal results without the user's need to request anything special, and with no awareness on the users' part of what is being done on their behalf by the technology. In other places the features may be apparent.

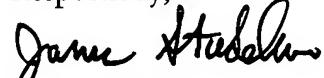
I am available to answer any questions you may have regarding my protest. I may be contacted by any of the following means:

Wireless phone: 214-448-6739

Email: James@NewsTrove.com

Mail: James Stakelum, NewsTrove, 391 E. Las Colinas Blvd., Suite 130, Irving, TX, 75039

Respectfully,



James Stakelum
NewsTrove LLC

An identical electronic copy of this document may be viewed on the Internet from the NewsTrove website in Microsoft Word format at the following URL: <http://NewsTrove.com/ranking.doc>

NewsTrove.com as it appeared on March 1, 2001

- Qualitative filtration was neither touted nor controllable by the user, but nevertheless performed automatically to produce a minimal acceptable level of optimal results on the user's behalf
- You can find an archived copy of the HTML source code for this page as it appeared on March 6, 2003 in the Internet Archive known as the 'Wayback Machine'.
- Source: <http://web.archive.org/web/20010331180751/http://newstrove.com/>



The Internet Archive timestamp:

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// FILE ARCHIVED ON 20010331180751 AND RETRIEVED FROM THE
// INTERNET ARCHIVE ON 20050510185151.
// JAVASCRIPT APPENDED BY WAYBACK MACHINE, COPYRIGHT INTERNET ARCHIVE.
// ALL OTHER CONTENT MAY ALSO BE PROTECTED BY COPYRIGHT (17 U.S.C.
// SECTION 108(a)(3)).
```

NewsTrove.com on March 6, 2003 touted qualitative filtration of results by publisher rank

- Note the user's control over filtration of search results by means of the qualitative ranking of news publications.
- As the number of news sources grew to exceed 7,000 at this point, algorithmic ranking of results based upon qualitative factors became increasingly important
- You can find an archived copy of the source code for this page as it appeared on March 6, 2003 in the Internet Archive known as the 'Wayback Machine'.
- Source: <http://web.archive.org/web/20030406053845/http://newstrove.com/>

Address: <http://web.archive.org/web/20030406053845/http://newstrove.com/> Go

NewsTrove.com

Search over 7,000 major news publications

Major Publications Only All Publications

March 6, 2003 Add news search to your website

Major Story

CNN.com
U.S.: Troops can move into Baghdad at will Two U.S. task forces stage lightning raid into the heart of Baghdad before withdrawing. U.S. sources say U.S. forces can move about Iraq where they choose, "even into their capital city." U.S. military spokesman says U.S. military sources indicate ruling Baath Party members among thousands fleeing the Iraqi capital Iraq denies U.S. forces have entered Baghdad
[Read story](#)

War in Iraq

101st Airborne	Desert Rats	Karbala	Samawah
173rd Airborne	Dohuk	Kirkuk	Screaming Eagles
7th Cavalry	Donald Rumsfeld	Kurds	Shiite
82nd Airborne	F-Bomb	Kuwait	Shock and Awe

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// SECTION 108(a)(3)).
```

NewsTrove on February 1, 2004 added qualitative ranking to RSS

- By February 1, 2004, NewsTrove granted user some control over qualitative filtration in its RSS news feeds, as is evidenced by the Web Archive. Note the option to filter the RSS news feed by means of publication ranking, and document quality. This gave users more control over filtration choices that had previously been made on their behalf, by creating URLs with parameter-driven features, like this:

http://www.newstrove.com/cgi-bin/customrss.pl?title=IRAQ&words=IRAQ&publisher_rank=500&quality_filter=BEST

- Source: <http://web.archive.org/web/20040201222529/newstrove.com/cgi-bin/CustomRSS.pl>

Address: http://web.archive.org/web/20040201222529/newstrove.com/cgi-bin/CustomRSS.pl

NewsTrove.com

Search thousands of major news sites at once

Create Your Own Custom RSS

February 1, 2004

Enter RSS Parameters

RSS Title:

Search Words:

Publications: Top 500 Top 5000 All Publications

Document quality: Best documents All Documents

Submit

The Internet Archive timestamp:

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// SECTION 108(a)(3)).

NewsTrove of today continues to improve the ways users may utilize its qualitative ranking of news publications

NewsTrove.com of today continues to advance the ease with which users may utilize publication ranking, as evidence by the 'Top Publications' page.



The screenshot shows the NewsTrove.com homepage with a search bar and various filters for news articles. On the right, there's a 'Subscriber Services' section with links for 'Login', 'Password Lookup', 'Help', and 'Not a subscriber yet?'. Below that is a date stamp 'May 11, 2004'. The main content area is titled 'Top Publications' and lists the top 11 publications with their URLs.

Rank	Publication	URL
1	ABC News.com	ciol.com
2	Sydney Morning Herald	msn.skysports.com
3	CNN Sports Illustrated	thatsracin.com
4	USA TODAY	channel3000.com
5	BBC News	harktheherald.com
6	International Herald Tribune	thedenverchannel.com
7	Guardian Unlimited	lewrockwell.com
8	Boston Globe	radio-free-europe.com
9	Wired	busrep.co.za
10	ESPN.com	clickondetroit.com
11	San Francisco Chronicle	eyefortravel.com

Top Publications

Here are some of the top-ranking publications NewsTrove rates as having the highest quality and most influence.

1	ABC News.com	335 ciol.com	669 Thevictoriaadvocate.com
2	Sydney Morning Herald	336 msn.skysports.com	670 The Missoulian
3	CNN Sports Illustrated	337 thatsracin.com	671 Vanguardngr.com
4	USA TODAY	338 channel3000.com	672 Times.hankooki.com
5	BBC News	339 harktheherald.com	673 Bru Direct
6	International Herald Tribune	340 thedenverchannel.com	674 Scotsman - Football
7	Guardian Unlimited	341 lewrockwell.com	675 The San Antonio Express-News
8	Boston Globe	342 radio-free-europe.com	676 Charleston Daily Mail
9	Wired	343 busrep.co.za	677 Post-trib.com
10	ESPN.com	344 clickondetroit.com	678 Sarasota Herald-Tribune
11	San Francisco Chronicle	345 eyefortravel.com	679 The Macon Telegraph

Ranking of search results by qualitative factors continues to play an important part of NewsTrove.com

NewsTrove.com
Search millions of news articles

Iraq Enter words, or zip
EXACT PHRASE: YES NO
PUBLISHER RANK: TOP 100 TOP 1000 TOP 10000 ALL SOURCES
SORT: DATE PUBLISHER RANK DOCUMENT QUALITY

May 11, 2005 [Showtimes](#) [Dictionary](#) [Phonebook](#) [Weather](#) [Markets](#) [Encyclopedia](#) [Maps](#) [Traffic](#)

Iraq [XML](#) [Iraq RSS feed](#)

Hundreds of U.S. troops fight Iraq rebels near Syria border
Published in [USA TODAY](#) Publisher rank: 4 Indexed on May 10, 2005
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Hundreds of U.S. troops fight Iraq rebels near Syria border BAGHDAD (AP) - U.S. forces hunting down followers of Iraq's most wanted terrorist pushed into a lawless region near the Syrian border Tuesday after meeting unexpected resistance from insurgents hidden in remote desert outposts along the southern banks of the [Euphrates River](#). Marines fought house-to-house Monday against dozens of well-armed insurgents firing at them from balconies, rooftops and sandbagged bunkers in the border town of Obeidi and surrounding villages, the [Los Angeles Times](#) reported. [more...](#)

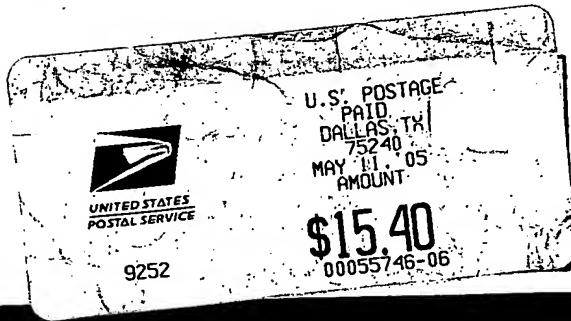
Your views: Bush's Georgia visit
Published in [BBC News](#) Publisher rank: 5 Indexed on May 10, 2005
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Minister Nuclear Palestinian Pentagon Prime
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Scheduled Date of Delivery	
Month	Day
1	7
Scheduled Time of Delivery	
12:00 Noon	3 PM
Military	
<input type="checkbox"/> 2nd Day	<input type="checkbox"/> 3rd Day
Int'l Alpha Country Code	
Acceptance Emp. Initials	

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DELIVERY (POSTAL USE ONLY)			
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day		<input type="checkbox"/> PM	
Delivery Attempt	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day		<input type="checkbox"/> PM	
Delivery Date	Time	<input type="checkbox"/> AM	Employee Signature
Mo. Day		<input type="checkbox"/> PM	
CUSTOMER USE ONLY			
PAYMENT BY ACCOUNT			
Express Mail Corporate Acct. No. <input type="checkbox"/> WAIVER OF SIGNATURE (Domestic Mail Only)			
Additional merchandise insurance is void if customer requests waiver of signature.			
I wish delivery to be made without obtaining signature of addressee or addressee's agent (if delivery employee is authorized to leave a note or can be left in a secure location) and I understand that delivery employee's signature constitutes valid proof of delivery.			
FEDERAL AGENCY ACCT. NO. <input type="checkbox"/> ZIP CODE <input type="checkbox"/> WAIVER OF SIGNATURE			
Postal Service Acct. No. <input type="checkbox"/> WAIVER OF SIGNATURE			
U.S. POSTAL SERVICE			
NO DELIVERY Weekend <input type="checkbox"/> Holiday <input type="checkbox"/> Waiver Signature <input type="checkbox"/> MAY 11, 2005			
TO: (PLEASE PRINT) PHONE ()			
EXPRESS MAIL LABEL DATE IN			
WASHINGTHON DAY, 2005 ATTN: STANLEY M			
ZIP + 4 (U.S. ADDRESSES ONLY. DO NOT USE FOR FOREIGN POSTAL CODES)			
FOR INTERNATIONAL DESTINATIONS, WRITE COUNTRY NAME BELOW.			

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